

MEMORANDUM COVER

Subject: Case No. ZA-0006-2012. Williamsburg Pottery – Proffer Violation Appeal (Lights)

Action Requested: Shall the Board of Supervisors defer the appeal request to the December 11, 2012, meeting or uphold the Acting Zoning Administrator's interpretation that the LED lights affixed to the building and entrance features at the Williamsburg Pottery are in violation of the recorded proffers?

Summary: At its meeting on October 23, 2012, the Board of Supervisors deferred action on Case No. ZA-0006-2012, Williamsburg Pottery Proffer Violation Appeal, with the condition that the LED lights be turned off during the hours of darkness with the exception of November 23-25, 2012, when the LED lights can remain on at nighttime. This deferral was to allow the applicant additional time to investigate and demonstrate whether or not a diffuser cap over the LED lights would adequately shield the light source from view. On November 8, 2012, Ms. Gloria Freye with McGuire Woods on behalf of the Williamsburg Pottery requested an additional deferral of this case to the December 11, 2012 meeting. Ms. Freye states that the Williamsburg Pottery "is in dispute with its contractor on the project with responsibility for the lights and will not be in a position to commit to any solution until after a formal mediation which is scheduled for November 29, 2012." The dispute between the Williamsburg Pottery and its contractor is a private matter and staff does not support the deferral request. Staff has not received any additional information on the proposed diffuser cap solution nor any alternative solution since the October 23, 2012, Board of Supervisors meeting.

Staff recommends that the proffer interpretation be upheld and that the Board of Supervisors deny the violation appeal request.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution
3. Deferral Request

Agenda Item No.: I-1

Date: November 27, 2012